



**IOWA DEPARTMENT OF NATURAL RESOURCES**

**October 23, 2008  
For immediate release**

- 1. DNR report details exceedances of EPA health limits**
- 2. DNR enforcement actions**

## **DNR REPORT DETAILS EXCEEDANCES OF EPA HEALTH LIMITS**

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URBANDALE— Iowa sites have exceeded a national air quality health limit 22 times so far this year, according to reports made to the DNR.

Monitors noted when levels of fine particle pollution exceeded the U.S. Environmental Protection Agency (EPA)'s daily health limit of 35 micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ). Laboratory results from fine particulate measurements are typically reported to the DNR about two months after the measurements are taken.

During fine particle episodes, individuals with respiratory or heart disease, as well as the elderly and children, are most at risk for developing respiratory symptoms in sensitive individuals, aggravation of heart or lung disease, and premature mortality in persons with cardiopulmonary disease. Until air quality improves, members of these groups are advised to reduce outdoor activity, and healthy adults are advised to reduce the intensity of their outdoor activities. Fine particles are emitted by vehicle traffic and other combustion sources (including fireworks) and are also formed by chemical reactions in the atmosphere.

A majority of the exceedances – 14 – occurred in the eastern part of the state on February 23 and 24, when a stagnant air mass reduced fine particle dispersion. Exceedances were recorded on

monitors in Clinton, Davenport, Muscatine, Iowa City, Cedar Rapids and Waterloo. A winter storm moved in and cleared out the stagnant air.

The highest fine particulate concentration recorded this year ( $62.3 \mu\text{g}/\text{m}^3$ ) occurred after fireworks displays in Davenport on the Fourth of July.

Monitors at Garfield School in Muscatine and 300 Wellman in Davenport recorded the greatest number of exceedances so far this year. They have also not meet EPA fine particle standards based on the past three years of monitoring data. Four exceedances have been recorded on the Davenport monitor and three on the Muscatine monitor. A monitoring location at Chancy Park in Clinton has also recorded three exceedances so far this year.

Most fine particulate sampling is done at a frequency of one sample every three days, except at locations where elevated levels are recorded. There, daily sampling is conducted. In order to establish the air quality in an area, EPA uses the 98th percentile value at a monitoring site for a given year, rather than the number of exceedances recorded at the site.

The state air monitoring network also includes monitors for ozone, carbon monoxide, coarse particles, sulfur dioxide and nitrogen dioxide. Only exceedances of EPA's fine particle health limits have been recorded so far this year.

The complete report is available at:

[www.iowadnr.gov/air/monitor/files/Iowa\\_NAAQS\\_2008.pdf](http://www.iowadnr.gov/air/monitor/files/Iowa_NAAQS_2008.pdf)

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## **DNR ENFORCEMENT ACTIONS**

**MEDIA CONTACT: Jessie Brown at (515) 281-5131.**

DES MOINES — The DNR has taken the following enforcement actions. The following are only briefs; please contact Jessie Brown of the DNR for more information at (515) 281-5131. The orders were taken in July 2008 through September 2008 unless otherwise noted.

Enforcement actions, including copies of the original orders and contact information, are available on the DNR's Web site at [www.iowadnr.gov/legal/eactions.html](http://www.iowadnr.gov/legal/eactions.html). The Web listing offers orders first taken in 2007 or 2008 (amendments to orders issued prior to 2007 are not listed).

### **Consent Orders**

A consent order is issued as an alternative to issuing an administrative order. A consent order indicates that the DNR has voluntarily entered into a legally enforceable agreement with the other party.

### **Carroll County**

Select View, LLC, and Michael and Angela Tomka, of Carroll, agreed in a consent order to remove all solid waste and dispose it at a permitted landfill, submit a copy of the landfill receipts to the

DNR, and pay a \$1,000 penalty. The consent order is in regard to air quality and solid waste disposal violations. The penalty has been paid.

### **Floyd County**

Michael Sinning, of Rockford, agreed in a consent order to pay a \$1,500 penalty. The order is in regard to manure application violations. The penalty has been paid.

### **Johnson County**

Aaron Wisman, of Rolfe, agreed in a consent order to pay a \$1,000 penalty. The order is in regard to air quality and solid waste violations stemming from illegal dumping and open burning.

### **Kossuth County**

The city of Algona agreed in a consent order to submit a maintenance and prevention plan to the DNR, carry out the plan upon DNR approval, and pay a \$4,000 penalty. The consent order is in regard to DNR rule and National Pollutant Discharge Elimination System (NPDES) permit violations.

### **Lyon County**

Rodney Fastert, of Rock Rapids, agreed in a consent order to cease all open burning of tires and other solid waste, dispose all tires and tire remnants, submit all landfill receipts to the DNR, and pay a \$4,000 penalty. The consent order is in regard to air quality and solid waste disposal violations. The penalty has been paid.

### **Scott County**

Holst Trucking Company, Inc., of LeClaire, agreed in a consent order to place an advertisement in the local newspaper stating the company's noncompliance with Iowa open dumping and open burning rules, and to pay a \$1,535.50 penalty. The order is in regard to open burning of combustible materials violations and improper solid waste disposal.

Sivyer Steel Corporation, of Bettendorf, agreed in a consent order to demonstrate compliance with current permit limits or submit permit modifications showing that proposed modifications are protective of National Ambient Air Quality Standards, and pay a \$7,000 penalty. The order is in regard to air quality violations.

### **Story County**

Couser Cattle Company, of Nevada, agreed in a consent order to comply with all conditions of a renewed National Pollutant Discharge Elimination System (NPDES) permit as issued by the DNR and pay a \$500 per violation per day if compliance is not met. The consent order is in regard to NPDES permit violations.

### **Tama County**

Outback Campground and Resort, LLC, of Tama, agreed in a consent order to cease open burning of solid waste on facility grounds, cease further water supply cross connections at the site, and pay a \$1,000 penalty. The order is in regard to storm water discharge permit violations, improper solid waste disposal and improper open burning. The penalty has been paid.

**Warren County**

Herberger Construction Company, Inc., of Indianola, agreed in a consent order to immediately cease illegal open burning of trade wastes and other materials at any location in Iowa, comply in the future with all state and local requirements regarding illegal open burning, and pay a \$1,000 penalty. The order is in regard to violations of the open burning of trade waste.

**Washington County**

DeLong Construction, Inc., of Washington, agreed in a consent order to immediately cease any and all open burning of waste at their respective business site and any other site in Iowa, and pay a \$2,000 penalty. The order is in regard to solid waste and air quality violations.

**Wayne County**

The City of Promise City agreed in a consent order to comply with and follow a schedule for the construction of waste disposal facilities required to meet all applicable legal standards and pay a \$2,800 penalty. The order is regarding an agreement with the DNR to install a centralized sewer system and wastewater treatment system.

**Webster County**

Frontier Ethanol, LLC, dba POET Biorefining-Gowrie, of Gowrie, agreed in a consent order to pay a \$7,500 penalty. The consent order is in regard to New Source Performance Standards (NSPS) permit violations.

**Administrative Orders**

Responsible parties have 30 days to appeal the order or 60 days to pay the penalty.

**Jasper County**

Richard Solasberry, Sr., of Colfax, was issued an administrative order to cease open burning, clean up unsalvageable material not kept for personal use, deny any additional unsalvageable material and pay a \$750 penalty. The order is in regard to improper burning and solid waste disposal violations. The penalty has been paid.

**Sac County**

Rodney and Melissa Mandernach, of Newell, were ordered to submit a complete manure management plan for their animal confinement feeding operation, pay all respective fees for 2008 at the time of filing the manure management plan, and pay a \$4,000 penalty. The order is in regard to failure to submit a complete manure management plan and fees within the required time frame.

**Wapello County**

James D. Olchefski, dba Hidden Valley Mobile Home Park, of Hudson, Wisc., was ordered to complete cleanup of his property and deliver salvage, recycle and landfill receipts to the DNR, and pay a \$3,000 penalty. The order is regarding repeated open dumping and open burning violations at the site. This order has been appealed.

Robert A. Nicholson, dba Hidden Valley Mobile Home Park, of Hudson, Wisc., was ordered to complete cleanup of his property and deliver all salvage, recycle and landfill receipts to the DNR,

and pay a \$3,000 penalty. The order was in regard to several open dumping and open burning violations at the site. This order has been appealed.

Edna Richman, of Ottumwa, was ordered to complete cleanup of her property and deliver all salvage, recycle and landfill receipts to the DNR, and pay a \$3,000 penalty. The order is in regard to solid waste and air quality violations. This order has been appealed.

*Writer: Elise Taylor*